



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration  
Rockville MD 20857

7342 '99 MAY -7 P3:42

Re: Omnicef® Oral Suspension  
Docket No.: 98E-0840

MAY - 5 1999

The Honorable Q. Todd Dickinson  
Assistant Secretary of Commerce and  
Commissioner of Patents and Trademarks  
Box Pat. Ext.  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Commissioner Dickinson:

This is in regard to the application for patent term extension for U.S. Patent No. 4,935,507, filed by Warner-Lambert Company, under 35 U.S.C. § 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Omnicef® Oral Suspension, the human drug product claimed by the patent.

The total length of the regulatory review period for Omnicef® Oral Suspension is 2,745 days. Of this time, 2,406 days occurred during the testing phase and 339 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: June 1, 1990.

FDA has verified the applicant's claim that the date the Investigational New Drug application became effective was on June 1, 1990.

2. The date the application was initially submitted with respect to the human drug product under section 505 of the Federal Food, Drug, and Cosmetic Act: December 31, 1996.

FDA has verified the applicant's claim that the new drug application (NDA) for Omnicef® Oral Suspension (NDA 50-749) was initially submitted on December 31, 1996.

3. The date the application was approved: December 4, 1997.

FDA has verified the applicant's claim that NDA 50-749 was approved on December 4, 1997.

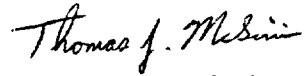
98E-0840

LET3/ANS

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. § 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, reading "Thomas J. McGinnis". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Thomas J. McGinnis, R.Ph.  
Deputy Associate Commissioner  
for Health Affairs

cc: Charles W. Ashbrook  
Warner-Lambert Company  
Park-Davis Pharmaceutical Research Div.  
2800 Plymouth Road  
Ann Arbor, MI 48105

DATE: MAY - 5 1999  
TO: Sabrina Crisp, Regulations Policy and Management Staff, HF-26  
From: Brian J. Malkin, Associate Director for Patents and Hearings, HFY-20  
RE: Federal Register Notice Information for Omnicef® Oral Suspension  
Docket No. 98E-0840, FRDTS# OC99124

Attached is a FR Notice for the human drug product, Omnicef® Oral Suspension. This document has been internally reviewed and cleared by OHA.

Please note that Omnicef® Oral Suspension is a registered trademark. Therefore, the superscript "R" notation will be needed.

Please call me if you have any questions. My number is 827-6620 (Rm. 15-22).

Thank you for your assistance.

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service  
Food and Drug Administration

7341 '99 MAY -7 P3:42

Memorandum

Date: MAY - 5 1999

From: Brian J. Malkin, Associate Director for Patents and Hearings  
Health Assessment Policy Staff (HFY-20)

Subject: Patent Term Restoration Application  
for Omnicef® Oral Suspension

To: Dockets Management (HFA-305)

Attached is a letter to the Patent Term Office for the above mentioned human drug product under the Docket Number **98E-0840** stating that this particular patent is eligible for regulatory review. The Patent Number is **4,935,507**. Please place this recent correspondence in the appropriate file.

If you have any questions, please contact me at 827-6620. Thank you for your assistance.

98E-0840